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Honorable Nancy Gertner
United States District Court
District of Massachusetts
One Courthouse Way
Boston, MA 02210

05-10080
~~00-10408~~-NG

February 12, 2006

Dear Judge Gertner:

It has been over three months since my husband, Rob Mailloux, stood before you for sentencing in a case involving behavior that caused a woman in another state to send him large sums of money based on lies he told her over the internet. He reported to Devens FMC on December 7, 2005 to serve a year and a day. The activity that caused the case to be investigated happened before I met Rob and I never felt that I was completely aware of everything involved and I chose to leave it that way which is why I did not sit in your courtroom at sentencing. I can not comment directly on the proceedings as I wasn't there.

I just thought you might be interested to know what happened to Rob after he presented to Devens. It was my understanding that the prosecutor/the government (Ms. Carmen Ortiz) had assured you that Rob could be cared for adequately at Devens. This would include getting the exact medication that he was taking before going there and psychiatric care to the standards of what he was getting through his psych care at Cape Cod Hospital and through Mary Beth Lean, PhD. It is also my understanding that because of these reassurances and despite recommendations from Dr. Lean and your own court probation evaluators, you thought prison was the right move for Rob. The way it was put to me by an attorney involved is that you thought Rob needed to have consequences for his actions, that he'd never had any before. While I agree that consequences to his actions are absolutely important, he certainly had had many, many negative consequences to his actions before. Prison just hadn't been one of them.

After Rob presented to Devens, he was thrown into what is known as The Shu(Shoe?) or The Hole. It is the area where people they don't know what to do with are kept...in cells and isolation. They put misbehaving guys, guys who get in fights in the big prison, here. They also stick guys who are supposed to be getting very minimum security time (aka headed for the camp) here because they have no mechanism at BOP to put them elsewhere. They are treated like the guys who are in for 20 years who've been in a fight. Rob spent 7 weeks there. Given a ripped jumpsuit, only cleaned once in 11 days, once four days without toilet paper, food a dog would turn down slipped through a hole in the door.

He was given his own medication from home on Day One. The second and third days, he wasn't given any of his Lamictal and little of other meds. At the end of the third day, he had a grand mal seizure because of the lack of Lamictal. His cellmate called several times before they paid any attention. He was later that day put back on the Lamictal. He was never given Welbutrin and was made to change all his non-psychiatric medications to others that the prison had on formulary despite them being poorer choices for his needs. Out of nine medications, he was only kept on three that he came in on. This remains today.

In the first week it was made very clear to him that he would have no psychiatric counseling whatsoever and if he told how depressed he was off the Welbutrin he would never be allowed to go to the camp. He kept quiet. He was asked one question by the psych staff every couple days, "Are you going to hurt yourself?" He replied, "No," and they moved on. After about three weeks, he was able to get a job as an orderly which got him out of his cell for large amounts of time and he was treated more kindly which included the prison staff allowing him to wash his own clothes. He was also then given some of the books that I'd sent him three weeks before that they were holding on to for no reason.

He hung in there and got to the camp after 7 weeks. Things are much more decent at the camp and there is even a little respect shown but still no psychiatric care. During the time Rob was waiting to go to the camp, he met two people who were obviously bipolar and he tried to help them, especially encouraging them to get on and stay on meds. He met them again at the camp and, along with a couple others that needed the same help, he pulled them all together to start their own counseling group per se. He has decided that this is the reason he was sent to prison (God's reason, not yours, certainly not Ms. Ortiz's reason). He likes helping the others and is probably good at it. He wants to do the same when he is released. The problem remains, though, that he is not getting the mental health counseling help he needs. Through letters, I encouraged him to take Prozac if he couldn't get the Welbutrin and it is helping him with the depression while the Lamictal helps with the bipolar disorder. He was fortunately to have had Dr. Lean treating him for 18 months and he says he relies heavily on the coping skills that she taught him.

One week after getting to the camp, he phoned frantically. They wouldn't allow him to stay at the camp because he is on coumadin. He asked me to get his doctor to write him a letter saying that he didn't need the coumadin anymore. His doctor wrote the letter and he has been allowed to stay. He has had two life-threatening pulmonary emboli and almost a third this fall after surgery but he'll forgo the coumadin to stay out of that confinement he was in. Is that what you were assured would be *adequate medical care*? Is having a seizure because of lack of understanding or lack of caring *adequate medical care*? Is letting your mentally ill prisoners run their own counseling groups because no one is assigned to give them any professional help *adequate medical care*?

I understand from a colleague of mine that you are a relatively new judge. I am sure, however, that you are not naïve and certainly not unaware of how little your rulings are followed by the BOP. I am sure that this is quite frustrating as you try to make solid decisions. The overwhelming attitude at Devens is "the judge can say anything. We do what we want." I am sure there are many reasons for the way things are run but it is very scary. Yes, prison is a deterrent or should be. I would love to say it will be for Rob. It will be if he stays on his medication and gets back into counseling as soon as he is released. He was doing this for over a year before he was arrested and he was doing well. He had turned his life around, he offered restitution and community service but that was not important in the decision-making process, in the end. I hope things will be alright. Bipolar disorder is a scary illness. It has brought down mightier people than Rob. It can not be cured by a stint in federal prison just like it couldn't be cured by many years in the Marine Corps. Between 5-10% of all human beings have this illness and thankfully it can be treated. Not cured, treated. The prisons are disproportionately filled with mentally ill people who have broken the law. Not caring for them adequately is also a crime.

Sincerely,



Wendy M. Treash

Cc: Ms. Judy Oxford
Ms. Martha Victoria
Ms. Carmen Ortiz
Mr. Michael Andrews
Dr. Mary Beth Lean
Hon. William D. Delahunt